GOVERNMENT OF THE DISTRICT OF COLUMBIA PUBLIC SPACE COMMITTEE



PUBLIC SPACE COMMITTEE HEARING

Virtual Meeting **Minutes**

Thursday, January 28, 2021 at 09:00 AM

Attendees:

Matthew Marcou, Chairman Courtney Williams, Acting Executive Secretary Anna Chamberlin, PSD -Member Alma Candelaria, EOM -Member Tim Walocha, DCRA – Member (not in attendance) Chris Shaheen, OP - Member

The introduction was done by Courtney Williams at 9:02 am.

The PSC Virtual meeting was called to order by Matthew Marcou at 9:06 am.

9:10 am – 9: 26 am All applications were Approved as Submitted Consent Agenda

Vote: 4 to 0

*applications #13 and #16 were moved to the Consent agenda

- 1) 1300 1399 BLOCK OF EASTERN AVENUE NE Permittee: Stephen Ness Owner: Stephen Ness Paving: Driveway(s) New -Residential # 355133
- 2) ANC 7E06 5411 C STREET SE Permittee: District Properties Owner: District Properties Fixture: Fence to 42" (Open Design), Repair Retaining Wall (No change), Paving: Curb & Gutter(s), Driveway(s) New Residential, Sidewalk(s) # 350279
- 3) ANC 2B05 1315 16TH STREET NW New Sidewalk Cafe Un-Enclosed Permittee: KWHP DC LLC KWHP DC LLC # 10821373
- 4) ANC 5E06 247 FLORIDA AVENUE NW Add Furniture/Equipment to Cafe Plans Permittee: Scott McCintosh Scott McCintosh # 10824822
- 5) ANC 1C07 1792 COLUMBIA ROAD NW New Sidewalk Cafe Un-Enclosed Permittee: Taqueria Allado, Rolando Frias Allado Frias Taqueria Allado, Rolando Frias Allado Frias # 10824564
- 6) ANC 5E01 655 MICHIGAN AVENUE NE New Sidewalk Cafe Un-Enclosed Permittee: Starbucks Coffee Corporation Starbucks Coffee Corporation # 10821128
- 7) ANC 6C05 **400 H STREET NE** New Sidewalk Cafe Un-Enclosed Permittee: Boiling Crab Restaurant Group LLC Boiling Crab Restaurant Group LLC # 10828719
- 8) ANC 1B09 2902 GEORGIA AVENUE NW Permittee: Emad Ewandalla Owner: Emad Ewandalla Fixture: Fence (Exception over 42"), Fence to 42" (Open Design) # 360024

- 9) ANC 4B07 218 CEDAR STREET NW Permittee: 218 Cedar LLC Owner: Fixture: Bike Rack(s): DDOT Standard, Landscaping: New Tree Space(s), Tree Planting, Over Head Work: Pole Removal (single or first one), Streetlight Damage Deposit (Office Use Only), Streetlight(s) Installation, Paving: Curb & Gutter(s), Driveway(s) Close Existing, Driveway(s) New- Commercial, Sidewalk(s) # 355539
- **10)** ANC 8A03 **2301 S STREET SE** Permittee: District Properties Owner: District Properties Paving: Curb & Gutter(s), Driveway(s) New -Residential # 326437
- 11) ANC 7D07 700 KENILWORTH TERRACE NE Permittee: Derick Mitchell Owner: Derick Mitchell Fixture: Bike Rack(s): DDOT Standard, Planter Box on Sidewalk (Exception), Trash Receptacle(s) (Exception), Landscaping: New Tree Space(s), Tree Planting, Tree Pruning, Over Head Work: Pole Removal (each add'l), Pole Removal (single or first one), Streetlight(s) Installation, Paving: ADA Curb Ramp, Curb & Gutter(s), Driveway(s) Repair or Replace, Lay-by (new), Sidewalk(s) # 358092

General Agenda

Group A

9:26 am - 10:03 am Approved in Part Vote: 4 to 0 (Concept Design) - Approved in Part the Design Concept and delegated to the Chair that the final approval of design based on the discussion of the design, construction methods, evaluation period, utility access, height of barriers on the sidewalk side (OP), location of decking, time frame for installation of utility signs, maintenance agreement and the final details

Joe Sterlieb presented for the Georgetown Bid. He also had Nate Canon and Jamie Scott with him. This is a Concept Design application that is temporary for outdoor dining. The applicant is proposing to remove 6% of the parking spaces during the emergency.

Chris Shaheen noted the barriers/plantings were an issue with the Office of Planning. The applicant stated that they would be continuing to work with OP on those issues. Mr. Canon noted they wouldn't be enclosing all four sides of the fixtures. They will be adopting the standards for the tents from the Office of Planning (stated by Mr. Canon).

This is a request to expand the sidewalk per the applicant. They have had at least one hundred meetings to date with different offices within the Department. The decking will not be at every location due to these meetings.

The timeframe for this application is for one year and they may come back before the evaluation period is over and request additional time.

At 9:46 am Ms. Kelsey Bridges presented for the Department of Transportation – The Georgetown Bid has worked with several DDOT agencies on the decking designs for these locations and she stated that the design of the decking design is still ongoing. The BID will not be covering any utility covers and DDOT can access any utilities for lighting as well. The BID is still working with DDOT on any other safety changes that need to

occur. Ms. Bridges agreed that there were a few things that needed to be refined before the final design can be confirmed. A Maintenance Agreement (MOU between DDOT and the BID) has been uploaded into TOPS. They are just finalizing the language so that it meets everyone's needs.

Mr. Marcou asked about the material of the signage. The applicant stated that it will be a metal sign that can display the utilities. They will be using the Miss Utility colors for all the poste utilities.

The applicant stated he has 95% of the significant issues completed with the design protocol and wants the PSC to approve Concept Approval and then when the final application has been done. They would like to start installation in March and start delivery and installation in April per the applicant.

10:20 am - 10:29 am Approved with Condition Vote: 4 to

The applicant will include the width of the panels on a revised plan and reduce seating to 20 seats total.

OP will review the final submission.

2) ANC 6C04 - 401 H STREET NE - Convert to Enclosed Cafe - Permittee: Ethiopic Restaurant - # 10827528 Discussion: Changing the existing café to enclosed café. Mr. Marcou stated that one seat needs to be removed from the plans. OP had a comment to make the panels clear panels and as the applicant to confirm if the revisions has been uploaded. The applicant was not sure that the Jan. 11, 2021 upload is the latest drawings The width of the panels proposed are not shown on the design plans per the applicant.

10:33 am - 10:51 am Approved with Conditions- Vote: 4 to 0

The plans must be modified to show the accurate dimension

1) from base of curb to the property line (17.6"),

2)base of curb to the café edge of streetlight (3'.4)

3) distance from the bay window to the clear eight feet pedestrian walkway.

3) ANC 2C03 - **624 E STREET NW** - New Sidewalk Cafe Un-Enclosed - Permittee: Taylor Duman - Taylor Duman # 10804891

Discussion: Taylor Duman presented the application. This is for Sweet Greens that opened in the fall of 2014. This application was previously reviewed in November and the revisions have been uploaded with the property line per applicant. The applicant stated that they have eight feet of pedestrian right-of-way.

The actual distance from the curb to the face of the property per Matthew Marcou. It is not shown on the plan. The plan is still missing information.

10:53 am - 11:07 am Denied Vote: 4 to 0 There wasn't a sufficient basis to grant a waiver for the over height fencing in the public space.

4) ANC 6A08 - 205 15TH STREET NE - Permittee: sunny petzinger - Owner: sunny petzinger - Fixture: Fence (Exception over 42"), Street Fixture or Furniture (Exception) # 358240 Discussion: Ms. Petzinger stated that she is only increasing the height of the fencing to ensure the safety within her neighborhood. She stated that the behavior of the people in her neighborhood is why she is asking for the increase of height of the fence and the shed that she is proposing.

How tall is the current fencing? The applicant stated forty-two inches and is on top of an existing wall that is fort-two inches. Chris Shaheen stated that due to the height the OP is still opposing the installation of this fencing. The applicant was advised to install the six-foot fencing on her private property as a remedy to her concerns at her property.

11:09 am - 11:13 am Tabled Vote: 4 to 0

5) ANC 3E01 - 4520 YUMA STREET NW - Permittee: David Solorzano Lowell - Owner: David Solorzano Lowell - Fixture: Fence (Exception over 42") # 362787
*Applicant not present; 1st time

12:39 pm - 12:50 pm Approved w/Modification Vote: 4 to 0

Pedestal and existing sign will be removed.

6) - 21ST STREET NW AND H STREET NW - Permittee: Bela Maij - Owner: - Fixture: Sign-Free Standing # 363327

ANC support was received for this application today. The existing plat and the foundation will be removed.

*Applicant not present –11:09 am - 11:13 am Tabled Vote: 4 to 0

7) ANC 3E03 - 4435 FESSENDEN STREET NW - Permittee: PAUL DUPNICK - Owner: KARAN LOFTI - Fixture: Retaining Wall to 42" # 360420 *Applicant not present;1st time

11:09 am - 11:13 am Tabled Vote: 4 to 0

8) ANC 5B04 - 2701 12TH STREET NE - Permittee: KILLETTE and ASSOCIATES - Owner: KILLETTE and ASSOCIATES - Fixture: Trash Receptacle(s) (Exception) # 363215 *Applicant not present;1st time

11:09 am - 11:13 am Tabled Vote: 4 to 0

9) ANC 4B06 - 5900 NORTH DAKOTA AVENUE NW - Permittee: PEPCO co - Owner: PEPCO co - Fixture: Fence (Exception over 42") # 363408 *Applicant not present;1st time

11:09 am - 11:13 am No PSC Action The applicant Postponed this application on 1/27/21

10) ANC 6E07 - **128 M STREET NW** - Permittee: Ida Jones - Owner: Paul Melilot - Fixture: Sign-Free Standing # 360528 *Postponed at applicant request*

11:14 am - 11:28 am Denied Vote: 4 to 0 There wasn't a sufficient basis to grant a waiver for the over height fencing in the public space.

11) ANC 5C02 - 3000 VISTA STREET NE - Permittee: Cesar Umana - Owner: Cesar Umana - Fixture: Fence (Exception over 42") # 359717

Discussion: Mr. Umana presented the application. He is requesting to remove the existing chain fence and make it six feet tall fence. Matthew Marcou stated that there is a Building Restriction Line, BRL at this location and by law you can't install an over-height fence in the area where the BRL exist.

11:28 am - 12:05 pm Tabled Vote: 4 to 0 To have the applicant re-consider the design and how far it projects into public space before returning to the PSC.

12) ANC 8A06 - **850 HOWARD ROAD SE** - Permittee: Solar Star Track Anacostia, LLC - Owner: - Projections: Other (Exception - Not to Bldg. Code) # 361453

Chris, Allen Barney, Emily Wessel, and Dan Shapiro presented the application. They are installing solar panels on top of building that currently projects into the public space. They are looking to get a 9 feet projection and a 15 feet projection into public space on the existing projections.

Anna Chamberlin asked the applicant if there is some chance that some trees could be installed, and the applicant stated that he couldn't confirm installing additional trees because the existing green space was for drainage for the adjacent highway. Chris Shaheen stated that the proposed work is highly visible from Route 295 and it would be helpful to have photos showing what this looks like. The opportunity to reconsider the design in more detail and return to address the how the amount of the projection can be reduced in the public

On Consent

space.

13) - 26TH STREET NW AND I STREET NW - Permittee: Wiles Mensch - Owner: BXP 2100 Penn LLC - Landscaping: Hedge to 36" tall # 363494 (Moved to Consent)

Group B

14) ANC 4C05 - 1340 QUINCY STREET NW - Permittee: RONALD T RAY - Owner: RONALD T RAY - Fixture: Retaining Wall to 42", Paving: Leadwalk w/Steps, Patio (porous concrete/pervious pavers ONLY) # 359955 Applicant requested a postponement to February's agenda

12:07 pm - 12:35 pm Tabled

Vote: 4 to 0

To allow the applicant to clarify all work that is under this permit and what has been approved under the previous permit. Ms. Felder will set-up a meeting with Elliott Garrett and applicant next week to revise the application. (OP and PSD staff will be included in meeting)

- 15) ANC 1B02 1923 VERMONT AVENUE NW Permittee: Sulton Campbell Britt & Associates, P.C. Owner: Fixture: Bike Rack(s): DDOT Standard, Curbside Signage, Planter Box behind Sidewalk to 42", Retaining Wall to 42", Landscaping: Tree Planting, Tree Space (Stormwater Mgmt), Over Head Work: Streetlight(s) Installation, Paving: ADA Curb Ramp, Curb & Gutter(s), Driveway(s) Close Existing, Sidewalk(s), Projections: ADA Ramp, Canopy, Stoop & Steps # 358730

 Discussion: Joe Sandor presented this application. This application came to the PSC for the improvement in 2018. He showed the approved improvements and it showed the existing improvements under this application. Melisia Diaz stated that the streetlights, bike racks were all approved under the previous permit. So, only the statue, paving and stairs are being approved under this permit.
- 16) ANC 2B05 717 MADISON PLACE NW* Permittee: Jeffrey Simmons Owner: Jeffrey Simmons Fixture: Bollard(s) (Exception), Traffic Signal Installation, Landscaping: Tree Planting, Tree Removal, Over Head Work: Streetlight(s) Installation, Paving: ADA Curb Ramp, Curb & Gutter(s), Sidewalk(s) # 362080 (moved to Consent)

1:59 pm - 2:29 pm Denied Vote: 4 to 0

- 1) The proposed curb cut is too close to intersection
- 2) The proposed curb cut impacts an existing street tree
- 3) The applicant didn't provide a sufficient reason to not have a generator on site.
- 17) ANC 8B01 2501 25TH STREET SE Permittee: DC Water Owner: Excavation: Repair Sewer Main Line, Paving: Driveway(s) New- Commercial, Sidewalk(s) # 362744

Discussion: The application is by DC Water to use only in the case of an emergency. It is for mechanical upgrades to modify the gate and a twelve-foot-wide driveway in case power goes out. It is sixty-one feet from the nearest intersection per the applicant.

Matthew Marcou asked how many emergencies have occurred to date. The applicant stated that it is rare that an emergency will occur, and he wasn't sure of how many have required a generator. Chairman Marcou asked the applicant why can't DC Water have a generator on site? Also, why are they proposing to cut within the tree root zone to install the curb cut. The applicant had a meeting with WMATA, and they stated that they could move the existing bus stop. The existing tank has been there since 1947 per the applicant. The actual address is 2500 25th Street for this proposed work per the applicant. Ms. Chamberlin asks why can't a generator be kept on site? The applicant stated that the impact of the cost of the generator wasn't justified to be placed at this site by the Operations Department at DC Water.

12:51 pm - 1:02 pm Approved w/Conditions

Vote: 4 to 0

- 1) The applicant must upload the final single set of revised plans to be approved with review by PSD, OP and UFA to confirm the plans address the reviewer's comments.
- 2) The application needs to be revised to show the scope of work being performed (paving of alley vs driveways)
- 18) ,,,, 1 49 BLOCK OF K STREET SE,1000 1299 BLOCK OF SOUTH CAPITOL STREET,1 47 BLOCK OF L STREET SE Permittee: COLIN CLARK Owner: 1000 South Capitol Street LLC Fixture: Bike Rack(s): DDOT Standard, Trash Receptacle(s) (Exception), Landscaping: Tree Planting, Over Head Work: Streetlight(s) Installation, Paving: ADA Curb Ramp, Alley(s), Curb & Gutter(s), Driveway(s) Repair or Replace, Sidewalk(s) # 361875

Discussion: Alan Barney presented the application. They will be reconstructing the alley. They need to update the application to show that they won't be installing a driveway. The applicant needs to upload the revised plans that address Kelsey Bridges, PSD comments. Anna Chamberlin asked if all the items had been addressed and the applicant stated that he didn't disagree with any of PSD's comments and would ensure revised plans will be uploaded into TOPS system. The applicant (Alan Barney) confirmed that there will be curb ramps at the existing intersections.

1:02 pm – 1:32 pm The PSC recessed for a lunch break.

19) - S STREET SE AND RIDGE PLACE SE - Permittee: Menkiti Group - Owner: Menkiti Group - Paving: Curb & Gutter(s), Driveway(s) New- Commercial, Roadway(s), Sidewalk(s) # 362940 *Applicant not present; the applicant requested a postponement of this application on 1/28/21

1:36 pm - 1:57 pm Denied Vote: 4 to 0 Parking space doesn't lead to parking on private property and is too close to the intersection.

20) ANC 2F07 - **1115 M STREET NW** - Permittee: BLUE WATER CAPITOL LLC - Owner: - Paving: Driveway(s) New- Commercial # 359502

Discussion: Ms. Elena Weil is presenting the application. Mr. Marcou explained to the applicant that parking must be on private property. The curb cut being proposed doesn't meet DDOT's regulations per Anna Chamberlin. Mr. Shaheen added that the Historic Preservation doesn't support this application as well.

2:30 pm - 2:49 pm

Approved w/Conditions

Vote: 4 to 0

- 3) The applicant must upload revised drawings that address UFA's comments and OP comments. The design must be approved by PSD as well.
 - 1) One single set of plans for final review by the OP, UFA, and PSD.
 - 2) Applicant must agree to the Loading Management plan and Transportation Demand Management plan
- 21) ANC 5D01 411 NEW YORK AVENUE NE Permittee: 411 New York Ave Holdings LLC Owner: 411 New York Ave Holdings LLC Projections: Areaway Entrance, Awning(s), Window Well(s) # 351677 Ms. Reese and Shaba Major, Dennis Lee all presented this application.

 The applicant was asked why it took so long to submit a revised set of plans? The applicant stated that it took awhile to submit for the UFA comments and the new document was just uploaded on yesterday. They amended the plan to address the concerns of UFA per the applicant. The most recent plan is CIV012(civil plan that was submitted 1/26/21 (two days ago). The applicant has another modified plan that hasn't been uploaded yet per Ms. Reese. This application is for hotel use still.

The applicant requested a postponement to February's PSC Meeting

22) ANC 6E03 - 1201 6TH STREET NW - Permittee: MIDCITY FINANCIAL - Owner: MIDCITY FINANCIAL - Excavation: Vault(s) 20'X10' Each, Fixture: Bike Rack(s): DDOT Standard, Landscaping: New Tree Space(s), Tree Planting, Tree Removal, Over Head Work: Streetlight(s) Installation, Paving: ADA Curb Ramp, Curb & Gutter(s), Driveway(s) Close Existing, Driveway(s) New- Commercial, Leadwalk Only, Sidewalk(s), Projections: Areaway Entrance, Bay Window(s), Window Well(s) # 358086 Postponed at the request of the applicant.

2:51 pm - 3:43 pm Tabled Vote: 4 to 0 To allow the applicant to re-submit specific design for the flex space when the applicant returns to the PSC in February.

23) ANC 5D01 - 1325 5TH STREET NE - Permittee: Gables Residential - Owner: Gables Residential - Fixture: Bench(es), Bike Rack: Not DDOT Standard, Planter Box on Sidewalk (Exception), Trash Receptacle(s) (Exception), Landscaping: New Tree Space(s), Over Head Work: Streetlight(s) Installation, Paving: Curb & Gutter(s), Driveway(s) New -Residential, Driveway(s) New- Commercial, Sidewalk(s), Projections: Bay Window(s), Canopy, Other (Exception - Not Bldg. Code), Porch & Steps # 360494

Discussion: Eddie Meder is presenting the application. The site received PUD in July of 2020.

Mr. Chowla also present for the developer with Eden. There are two curb cuts on 6th Street and the other curb cut is to provide access between the plaza and there are two curb cuts that they are closing. 5th Street will not have a curb cut. The have projections that comply to regulations per the applicant. The applicant stated that they will be submitting a Maintenance Covenant and addressing the Washington Gas comments. If a sidewalk café is proposed for this area a separate application will be made by the applicant. OP stated that one of the bay window projections exceed the four feet maximum. The applicant stated that any projections over four feet on the 5th Street side is an # 14-12E. Mr. Shaheen needs a specific design for the space or show it as a flex space that will change. The applicant suggested that they return to the PSC once they have a specific design of the sidewalk area that was discussed.

At 3:21 pm Mr. Marcou excused himself from the PSC and Chris Shaheen will act as the Chairman in his absence

Vote: 4 to 0

Vote: 4 to 0

10:05 am- 10:19 am Approved as Submitted (move to #2 on the agenda)

24) - 36TH STREET NW AND WHITEHURST FREEWAY NW - Permittee: Georgetown BID - Owner: - Fixture: Bench(es), Bike Rack: Not DOT Standard, Hand Rail (36" high for ADA, 30"-42" high other), Sign-Free Standing, Street Fixture or Furniture (Exception), Trash Receptacle(s) (Exception), Wall/Fence Combo (Exception over 42"), Landscaping: Hedge to 36" tall, New Tree Space(s), Stormwater Mgmt (serve public), Tree Planting, Paving: Patio (porous concrete/pervious pavers ONLY) # 363681

Discussion: Jamie Scott presented the application. The applicant has been working with DDOT on the design for this project. The applicant stated they have the letter from Fine Arts and will upload into TOPS. They met with DOEE regarding their approval. There are no streetlight installations currently per the applicant. Chris Shaheen, OP stated that this is a great project and will be a great addition to the Waterfront.

Anna Chamberlin asked about the bike locations per reviewers' comments. The applicant stated that the details have been uploaded into TOPS.

4:00 pm – 4:09 pm Approved with Conditions Provided the applicant complies with the conditions set by UFA.

25) ANC 2A06 - 2100 M STREET NW - Permittee: Sam Hollman - Owner: Sam Hollman - Fixture: Bench(es), Bike Rack(s): DDOT Standard, Hand Rail (36" high for ADA, 30"-42" high other), Planter Box behind Sidewalk to 42", Retaining Wall to 42", Sign (w/footings)(Exception), Paving: ADA Curb Ramp, Curb & Gutter(s), Projections: Areaway Entrance, Canopy, Other (Exception - Not to Bldg. Code) # 357898

3:44 pm – 4:02 pm Denied Vote: 4 to 0 The applicant failed to provide specifics that would allow the PSC to grant a waiver for the proposed projection in public space.

26) ANC 5E05 - 1640 4TH STREET NW - Permittee: New City Companies - Owner: - Projections: Bay Window(s), Porch & Steps, Window Well(s) # 363920

Discussion: The code doesn't allow for the size of the proposed projection. A minimum building with for a bay window was established one hundred forty years ago per Chris Shaheen. He stated that the applicant would be able to have balconies at this location. Mr. Marcou asked the applicant what was the basis for the waiver? The applicant stated that he would have re-designed and made the corrections if he had known that it would not be approved by the PSC. Chairman Marcou stated that this should have been flagged by the applicant's architect and that he should have a discussion with his architect.

At 3:56 pm Mr. Marcou returned to the PSC

The PSC was adjourned by Matthew Marcou at 4:17 pm